

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

THE STATE OF ILLINOIS,
by its Attorney General, Lisa Madigan,

Plaintiff,

v.

HITACHI, LTD, et al.,

Defendants.

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Hon. Rita M. Novak

No. 12 CH 35266

SEVENTH ADDITIONAL DEFENSE OF LG ELECTRONICS, INC.

Defendant LG Electronics, Inc. states the following as an additional affirmative defense to the Amended Complaint of Plaintiff the State of Illinois:

1. Plaintiff seeks to recover monetary damages based on conduct that occurred outside the United States.

2. Plaintiff's claims are based at least in part on alleged conduct involving trade or commerce with foreign nations that did not involve United States import trade or import commerce.

3. Conduct alleged by Plaintiff occurred outside Illinois and outside the United States, and allegedly affected transactions occurring in wholly foreign trade or commerce.

4. The majority of Defendants' cathode ray tubes ("CRTs") were manufactured outside the United States.

5. CRT manufacturers, including some Defendants, sold many of their CRTs to foreign original equipment manufacturers ("OEMs"), including Lite-on and Compal.

6. These sales between foreign entities took place outside the United States. Many of the CRTs were both ordered and paid for by foreign OEMs.

7. The negotiations between CRT manufacturers and foreign OEMs and systems integrators also occurred mostly overseas.

8. The foreign direct purchasers typically incorporated the CRTs into finished products at foreign manufacturing facilities.

9. The alleged conduct did not have a direct, substantial, or reasonably foreseeable effect on United States domestic, import, or export trade or commerce, and any such effect did not give rise to Plaintiff's claims.

10. Plaintiff's claims are barred, in whole or in part by the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a, and the Supremacy Clause (Article 6, clause 2) of the United States Constitution because they are based on conduct exclusively involving trade or commerce with foreign nations.

Dated: September 11, 2015

By: 

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